

Message Text

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ACTION EB-08

INFO OCT-01 IO-14 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 INRE-00
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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2730
INFO USMISSION USUN NEW YORK

UNCLAS SECTION 01 OF 02 GENEVA 11753

FOR EB/DEPUTY ASSISTANT SECRETARY JIM ATWOOD
FROM FRANK WILLIS

E.O. 11652: N/A

TAGS:

SUBJECT: SPEECH ON INTERNATIONAL AVIATION TREATIES

1. FOLLOWING ARE SUGGESTIONS FOR YOUR SPEECH TO AMERICAN BAR ASSOCIATION ON INTERNATIONAL AVIATION TREATIES. AS A GENERAL COMMENT, I WOULD SHORTEN EXISTING TEXTS COVERAGE OF FACTUAL MATERIAL, AND EXPAND ON DISCUSSION OF BONN SUMMIT ANTI-HIJACKING COMMUNIQUE. AS THE MOST RECENT DEVELOPMENT, INVOLVING REGIONAL AGREEMENT TO SANCTIONS, THE LEGAL ISSUES AND INTEREST WOULD BE HIGHEST. YOU MIGHT BRIEFLY COVER HISTORY OF OUR ORIGINAL SANCTIONS PROPOSAL, WHICH WAS DEFEATED AT ROME IN 1974, AND THEN DESCRIBE THE LEGAL CONSIDERATIONS, IMPLEMENTATION, AND EFFECTIVENESS OF A REGIONAL SANCTIONS PROGRAM. LOU FIELDS AND MARK FELDMAN IN L WILL HAVE BACKGROUND LEGAL MATERIAL. IT MIGHT ALSO BE INTERESTING TO DESCRIBE THE DIRECTION WE ARE TAKING IN IMPLEMENTING COMMERCIAL AIR SERVICES POLICY, AND WHAT IMPACT IT HAS ON BILATERAL RELATIONSHIPS AND WITH RESPECT TO REGIONAL AND GLOBAL
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ORGANS - E.G., RATES IN IATA, IN ICAO UNDER CHICAGO CONVENTION. I WOULD DROP THE LAST PARAGRAPH CONCLUSION, AND NOT WORRY ABOUT A CONCLUSION, SINCE THE SPEECH IS MORE DESCRIPTIVE/INFORMATIVE THAN ANALYTICAL, AND THE SUBJECT IS SO WIDE-RANGING.

2. SPECIFIC SUGGESTIONS ON TEXT:

(A) PAGE 1, 5 LINES FROM BOTTOM: CHANGE "SUBSTANTIVE AMENDMENTS" TO "SIGNIFICANT CHANGES".

(B) PAGE 7 LINE 3: DELETE "CERTAIN"

(C) PAGE 7 LINE 6: AFTER 35A DELETE REST OF SENTENCE AND SUBSTITUTE "OF MONTREAL PROTOCOL NO. 3".

(D) PAGE 7, 7 LINES FROM BOTTOM: DELETE REST OF PAGE AFTER CAB, AND TOP 5 LINES OF PAGE 8 TO WORD "CONTEXT", SUBSTITUTING "TO RECONSIDER ITS DECISION ON THE SUPPLEMENTAL COMPENSATION PLAN AND REQUESTED AN EVIDENTIARY HEARING ON IT."

(E) PAGE 8, LINE 7: CHANGE "PROTOCOL" TO READ "MONTREAL PROTOCOLS".

(F) PAGE 8 LINE 8: CHANGE "SEP" TO "SUPPLEMENTAL PLAN".

(G) AT BOTTOM OF PAGE 8, I THINK IT WOULD BE BETTER TO USE QUOTED PASSAGES FROM HERB HANSELL'S AND LINDA KAMM'S TESTIMONY THAN THE PRESIDENTIAL REPORT, SINCE THEY WOULD BE MORE RECENT - DRAW ON QUOTES FROM DOT/STATE RECENT SUBMISSION TO THE CAB ON ATLA'S PETITION FOR RECONSIDERATION AND AN EVIDENTIARY HEARING.

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(H) PAGE 9 - AFTER THE FIRST FULL SENTENCE FOLLOWING QUOTED PORTION, DELETE REMAINDER OF PAGE AND ALL OF PARTIAL PARAGRAPH AT TOP OF PAGE 10. SUBSTITUTE: "ALTHOUGH THE AMERICAN BAR ASSOCIATION HAS ENDORSED THE PROTOCOLS, THE AMERICAN TRIAL LAWYERS ASSOCIATION IS STRONGLY OPPOSED AND LOBBYING ACTIVELY. IN ADDITION, US AIRCRAFT MANUFACTURERS HAVE ASKED THAT THE PROTOCOLS BE LIMITED TO FIVE YEARS' EFFECTIVENESS, UNTIL EXPANDED TO COVER MANUFACTURERS' LIABILITY AS WELL. WE CONTINUE TO BELIEVE THAT THE PROTOCOLS ARE IN THE US INTEREST AND ARE CONSISTENT WITH MODERN DEVELOPMENTS IN THE LAW. WE WILL CONTINUE TO PRESS FOR FAVORABLE SENATE ACTION."

(I) PAGE 11 LINE 10: BEFORE "JURISDICTION" INSERT "ESTABLISHMENT OF, "AND AT THE END OF THE SENTENCE INSERT "WITH RESPECT TO ACTS ON BOARD AIRCRAFT".

(J) PAGE 11 9 LINES FROM BOTTOM: DELETE REST OF PARAGRAPH, BEGINNING WITH "THIS RULE," AND INSERT: "THIS RULE FILLED A GAP IN THE EXERCISE OF CRIMINAL JURISDICTION, A SURPRISING OMISSION IN U.S. LAW AS WELL AS IN THAT OF MANY OTHER STATES, UNTIL THE TOKYO CONVENTION WAS ADOPTED."

(K) PAGE 12, LINE 11 TO END OF PARAGRAPH CHANGE TO
READ AS FOLLOWS: "THE UNITED STATES WAS THE TWELFTH
STATE TO RATIFY THIS CONVENTION, WHICH BROUGHT IT INTO
FORCE IN ACCORDANCE WITH ITS TERMS. THE TOKYO OBLIGATION,
TO RETURN AIRCRAFT AND PERMIT PASSENGERS TO CONTINUE ON
THEIR JOURNEY, IS A KEY INTERNATIONAL OBLIGATION,
WHICH I WILL RETURN TO IN A FEW MINUTES IN
DISCUSSING THE MOST RECENT INTERNATIONAL ACTION
- THE ANTI-HIJACKING COMMUNIQUE STATEMENT BY HEADS OF
GOVERNMENT AT THE JULY BOON SUMMIT"

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(L) PAGE 13 ADD AT END OF TOP PARTIAL PARAGRAPH: "THE
HAGUE EXTRADITE - OR - PROSECUTE LANGUAGE IS A SECOND
KEY INTERNATIONAL OBLIGATION TO WHICH I WILL RETURN
IN TALKING ABOUT THE BONN SUMMIT STATEMENT."

(M) PAGE 13 CHANGE SECOND SENTENCE OF FIRST FULL
PARAGRAPH TO READ AS FOLLOWS AND ELIMINATE THIRD
SENTENCE: "LIKE THE HAGUE HIJACKING CONVENTION, IT
REQUIRES CONTRACTING GOVERNMENTS TO PROSECUTE OR EXTRADITE
OFFENDERS."

(N) PAGE 13 - ELIMINATE SENTENCE BEGINNING AT BOTTOM
OF PAGE AND ALL OF PAGE 14 EXCEPT BOTTOM FOUR LINES.
ON FOURTH LINE FROM BOTTOM CHANGE "ANTI-HIJACKING"
TO AIR SAFETY", AND GENERALLY DEVELOP THIS PARAGRAPH
MUCH MORE EXTENSIVELY (PAGE 14).

(O) PAGE 15 LINE 3: ADD AFTER "AIRCRAFT" THE WORDS "AND PASSENGERS."

(P) PAGE 16 TOP LINE ELIMINATE "FOR THE U.S."

(Q) PAGE 16 LINES 15-16 ELIMINATE "OF THE STATES WHICH UNCLASSIFIED

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WANTED A NEW CONVENTION".

(R) PAGE 17 ELIMINATE BOTTOM 5 LINES AND PAGE 18 AND SUBSTITUTE THE FOLLOWING: "BE CONVENED AND WILL ATTEND IT WITH ONLY A SMALL DELEGATION." VANDEN HEUVEL

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